

JUDGE COTE
 5-638536
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

07 CV 2937

MAERSK LINE,
 -----X

Plaintiff,

- against -

AFRICAN CENTRAL MARKET,
 and JOHN WILLIAMS,

Defendant.
 -----X

APR 12 2007

CIVIL COMPLAINT
 IN ADMIRALTY

Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS, in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Clause 14.4 of plaintiff's Bill of Lading.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendants had and now have the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendants pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the defendant and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendants have failed and refused and continue to fail and refuse to remit payment of \$4,100.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$4,100.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
April 11, 2007

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By



Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

SCHEDULE A

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned,

defendant AFRICAN CENTRAL MARKET was and still is a company organized and existing under the laws of the State of Massachusetts, with offices and a place of business at 65 Fletcher St., Lowell, MA 01854.

B. Upon information and belief and at all times hereinafter mentioned,

defendant JOHN WILLIAMS was and still is a natural person and resident of the State of Massachusetts, residing c/o African Central Market, 65 Fletcher St., Lowell, MA 01854.

II. Details of shipment(s):

1. Bill of Lading No. MAEU511196257, dated October 18, 2006, from Apapa to Newark via Algeciras on the Vessel TINGLEU MAERSK, one (1) twenty-foot container SAID TO CONTAIN: PACKAGES OF FOOD, at the applicable tariff charge of \$5,299.00 (Exhibit A). Defendants' check numbers 5001 for \$4,000.00, and 103 for \$1,500.00 were dishonored by the bank due to Insufficient Funds (Exhibits B and C).

Amount Paid: \$1,199.00

Amount Due: \$4,100.00

III. Total Amount Due: \$4,100.00

Shipper/Exporter (complete name and address)

WESTREND LIMITED
285, IDIROKO ROAD, MARYLAND
LAGOS- STATE, NIGERIA.
TEL-082338556, 08023035115,
08023204423

Booking No.

511196257

Export references

Consignee (complete name and address)

AFRICAN CENTRAL MARKET
2/O JOHN WILLIAMS.
53, FLETCHER STREET, N5C LOWELL,
4A-01854. TEL: 9784543696, 9785099238
FAX: 9784543699

Forwarding agent - references

Shipper

Port and Country of Origin

memoranda
not part of
Bill of Lading

Only Party (complete name and address)

SAME AS CONSIGNEE

Freightage by

*Place of Receipt

APAPA

Vessel

Voy No.

Port of Loading

FINGLEV MAERSK

0618

ALGECIRAS

Port of Discharge

*Place of Delivery

NEWARK

NEWARK S/D

CARRIER'S RECEIPT

PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE

Container No./Seal No.
Mark and NumbersNo. of Containers
in pkg.

Kind of packages; Description of goods

Gross Weight

Measurement

ISKU3635886
1L-NG0086302

CY / CY

20FT

1030 PACKAGES

OF FOOD-ITEMS ONLY
SHIPPED ONSHORE

KGS

12000.000

CBM

25.000

Weight & Charges

Rate

Unit

Freight

Collect

BASIC FREIGHT 1.00*
INLAND HAUL IMPORT
BUNKER ADJUST FACTOR
HASSIS USAGE CHARGE
EST HANDLING CHARGE
MERG BUNKER SURCHGE
WEIGHT TAX
FUEL CHARGE

2750.00 USD
1358.00 USD
125.00 USD
60.00 USD
500.00 USD
250.00 USD
45.00 USD
150.00 USD

20'
SURCHARGE
SURCHARGE
SURCHARGE
SURCHARGE
SURCHARGE
SURCHARGE
SURCHARGE

2750.00
1358.00
125.00
60.00
500.00
250.00
45.00
150.00

SECURITY CHARGE

Total Payable

5.00 USD

Total Value of US \$

Number of Original Bill

Total Collect

USD 5299.00

Date of Issue

Date

AGOS

OCT 18 06

Indicate any when document used:
* Certified Transport Bill of Lading

SEE ATTACHED SHEET

MAERSK INC.

as Agent only

OCT 18 2006

CARRIER SECURITY CHA	6.00	USD	SURCHARGE
DESTINATION DOC FEE		USD	SM

MAERSK INC.



Bank of America Direct

JOHN WILLIAMS
AFRICAN CENTRAL MARKET
65 FLETCHER ST
LOWELL MA 01850

Bank of America
Business Credit Card 5001

Date 12/07/06 06-1-5-10

Pay to the order of MAERSK LINE \$ 4,000.00

FOUR THOUSAND AND 00 Dollars

Bank of America®
Payable through
Bank of America, N.A.
Richmond, Virginia

For John Williams


⑆051000017⑆00030019252396⑈5001⑈0000400000⑈

JOHN WILLIAMS
AFRICAN CENTRAL MARKET
57 EASTERN BL
LOWELL MA 01850

103

Date 12/16/87 64-00011

Pay to the order of MAERSK LINE \$ 1,500.00
One Thousand Five Hundred ——— Dollars ☒ ☐

FIRST  EQUITY Payable through Columbus Bank & Trust
Columbus, GA 31906

on John Williams

⑆06⑆1⑆069⑆⑆1⑆3000⑆0⑆8208⑆0⑆10304

2/3/92

EXHIBIT "C"